


| | | | | | | | |
|---|------------------------------------|----------------------------------|-------------------------------------|----------------------------------|---|--|--|
|  Internal Case Management System Worksheet - Case Closing | | | | | Top Allegation OFFICIAL STATEMENT - FALSE STATEMENT - PG | Group G22-GROUP 22 Date of This Report 10/15/2017 | |
| Date Reported 08/31/2015 | Date Assigned 08/31/2015 | IAB Log No. 2015-25515 | Case No. (G22) C-2015-755 | Folder Type CORRUPTION | Preliminary Case Type OUTSIDE GUIDELINES | Follow-Up No. | Worksheet Tracking No. 2421604 |

| | | |
|---|------------------------------------|-------------------------------|
| Topic/Subject (Case Closing) CASE CLOSING - PARTIALLY SUBSTANTIATED | Activity Date 10/15/2017 | Activity Time 00:00 |
|---|------------------------------------|-------------------------------|

| | | |
|-------------------------------|-----------------------|-------------------------|
| Referred to Group - | Conferred With | Next Review Date |
|-------------------------------|-----------------------|-------------------------|

Closing Statement

Case#:
C-2015-755

Log#:
2015-25515
2017-38708
2017-6010

Date Case Received:
December 25, 2015

Date of Occurrence:
June 5, 2015

Administrative Statute of Limitations Expires:
December 5, 2016

Classification:
C1

Investigator:
Sergeant Kareem Francis, Tax #936612

Team Leader:
Lieutenant Michael Inserra, Tax #922535

Overall Disposition:
Partially Substantiated/ Minor Procedural Violation

Details:
Log# 2015-25515

On 08/31/15, at 1334 hours, complainant [REDACTED] called the IAB Command Center who stated the following: He parked his vehicle (Plate# [REDACTED]) in front of his residence on 03/28/15 and when he returned from vacation on 07/29/15 he realized his vehicle, was no longer present. [REDACTED] states he called 911 and filed a stolen vehicle report. [REDACTED] states he was later informed by his neighbor that on 07/05/15 he called 911 because he observed the vehicle parked at the same location for a long period of time and did not realized that the vehicle belonged to [REDACTED] (we identified the original date of the 911 call was on 6-5-15). The UNID neighbor stated that an UNID Officer assigned to the 45 Precinct did give the vehicle a summons and it was towed. [REDACTED] states he went to the 45 Precinct and was informed that PO Fox responded to the incident location, issued the vehicle a summons (summons not in database) and the vehicle was towed by [REDACTED]. [REDACTED] states that he was not provided nor did he ask for the address or contact number of the Tow Company. [REDACTED] states he contacted 411 but was informed that the tow company is not on file. [REDACTED] believes that the 45 Precinct did tow his vehicle but are giving him the run around in regards.

It should be noted that [REDACTED] was the original tow company that removed [REDACTED]'s vehicle on 6-5-15. During the course of the investigation [REDACTED] changed company names to [REDACTED]. At the end of our investigation [REDACTED] changed its name to [REDACTED]. The aforementioned companies were owned by one individual named [REDACTED].

Identification and Interview of the Victim:

The victim, [REDACTED], is known to the Department under NYSID # [REDACTED] and currently resides at [REDACTED].

The investigators interviewed [REDACTED] who stated in sum and substance that on 3/23/15, he legally parked his vehicle, a 2005 Toyota 4DR Sedan N.Y. Reg. # [REDACTED] in front of his neighbor's residence located at [REDACTED] and then left to the airport on vacation to his country. Upon his return 4 months later on 07/29/15, his roommate [REDACTED] informed him that his vehicle was towed away. [REDACTED] stated he spoke to his neighbor whose name he does not know, who informed him that he contacted the police and had his vehicle towed away. His neighbor further stated that the vehicle was parked in front of his residence for over two (2) months, which he was unaware that he was the vehicle's owner. [REDACTED] stated he regularly parks his vehicle in front of his neighbor's residence. [REDACTED] stated that his neighbor advised him to go to the 45th Precinct because his vehicle was towed by NYPD. On 8/3/15, [REDACTED] responded to the 45th Precinct and spoke to Officer Melendez who informed him that there is no record of his vehicle being towed by the Police Department. Officer Melendez assisted in filing a Stolen Vehicle Report for Grand Larceny Automobile under complaint Report# 4858. He stated that he then returned to his residence and contacted 311 in an attempt to locate his vehicle.

On 9/2/15, [REDACTED] stated he returned to the 45th Precinct and was informed by an unidentified officer that his vehicle was towed by [REDACTED] located on City Island and was given a receipt to have his vehicle released. He responded to Phase 2 Towing, provided a Returned to Owner Receipt and paid the required towing and storage fees of One Thousand-seven hundred eighty five (\$1,785.00) US Currency. [REDACTED] was informed by an employee of [REDACTED] that his vehicle has been in their possession since June 5, 2015, for approximately ninety (90) days. [REDACTED] stated he removed approximately eight hundred (\$800) US currency from Chase Bank and paid for the release of his vehicle which he was not given a receipt of payment. He stated upon the release of his vehicle, he notice damage to the driver side and a cracked windshield.

[REDACTED] stated he brought the damage to the attention of an employee who admitted that the damage to his vehicle was caused from shifting it around the lot. He then drove off the lot and returned to the 45 Precinct to remove the alarm off his vehicle. [REDACTED] stated that no property or US Currency were found missing, and no summons was issued to his vehicle. [REDACTED] further stated that he continues to park his vehicle in front of his neighbor's residence.

Identification and Interview of the Witness:

[REDACTED] is identified as the owner of [REDACTED] (previous known as [REDACTED]). On October 15, 2015, [REDACTED] was interviewed by Sgt. Loza, BXIU investigator and informed him that he spoke with PO Fox in regards to picking up the complainant's vehicle from [REDACTED]. I conducted a follow up with Sgt. Loza on February 23, 2016 to ascertain any additional information he could provide me. I responded to [REDACTED] last known address where I was informed by the tenant that [REDACTED] and [REDACTED] moved to New Jersey.

A review of [REDACTED]'s court date in Webcrims revealed he had a court appearance in regards to an Unauthorized Response and he also had a open warrant Docket # [REDACTED]. After his hearing I returned him on his open warrant. The I/O attempted to interview [REDACTED] in regards to his involvement with Police Officer Stephen Fox, but his defense attorney Carolina Garcia, was unwilling to cooperate with questioning her client even though it was unrelated to his criminal case. Upon of his arrest I searched [REDACTED] and he was not in possession of contraband or any PBA cards.

Canvass:

A canvass was conducted by Group 22 investigators at the complainant's residence located at [REDACTED] to ascertain if there were any surveillance cameras in the vicinity, which resulted in no cameras.

A canvass was conducted on [REDACTED] (formerly known as [REDACTED]), located at [REDACTED] to ascertain if any rmps have been visiting the tow company. I observed that [REDACTED] changed their name to [REDACTED] with OCA #1354830. I did not observed any rmps or MOS visiting the location.

An additional canvass was conducted on [REDACTED] located at [REDACTED] to ascertain if there was any rmps or tow trucks operating at the premises. The I/O revealed that the business was closed. The property lot was open and the investigators were able to survey the lot. No building or trailer was present on the property. The I/O responded to the neighboring business and spoke with an employee who informed the I/O's that [REDACTED] was no longer at the location. He revealed that the business left the location just before the start of 2017.

Identification of Subject Officer:

PO Fox was identified by [REDACTED] as the officer who called his company [REDACTED] on June 5, 2015 via phone to the complainant's vehicle towed at [REDACTED].

Identification of Witnesses:

It should be noted that PO Fox's phone records indicated that he did in fact call [REDACTED] (formally known as [REDACTED]) and [REDACTED] on the following dates: 6-5-15, 6-10-15, and 9-1-15. Below are PO Fox's partners for the aforementioned dates:

PO Keith Brock was identified as PO Fox's partner for the day of incident on June 5, 2015.
PO Brian Vignali was identified as PO Fox's partner for the on June 10, 2015.

PO Brian Hirschman was identified as PO Fox's partner on September 1, 2015.

Review of Department Records:

Triple I check:

Triple I check was conducted on [REDACTED] which revealed that he has one (1) prior arrest on October 2, 2002 for Criminal Impersonation -2nd:Other Person and Possession of Forged Instrument-2nd Degree. [REDACTED] plead guilty to the aforementioned charges and was sentenced to Custody/Fine: 10 Day(s)/\$100 Status: Paid in Full.

A Triple I check was conducted on [REDACTED] which revealed that he is known to the Department under NYSID # [REDACTED]. Mr. [REDACTED] has [REDACTED]

zFinest check:

A zFinest check was conducted on S/O, PO Stephen Fox to ascertain if he queried [REDACTED] from July 1, 2014 to January 1, 2016 which resulted in negative results.

A zFinest check was conducted on [REDACTED] (witness) to ascertain to see if any MOS from the 45 Precinct conducted a query on him which yielded negative results.

A zFinest check was conducted on PO Keith Brock and PO Brian Hirschman to ascertain if they had queried [REDACTED] yielded no information.

ICAD check:

A review of ICAD was conducted for June 5, 2015 to ascertain if any jobs were assigned to sector 45A in regards to the C/V's vehicle being towed. I revealed at 1105 hours, Sector# 45A-2, responded to a 10-68Q1, at [REDACTED], under Job# 15060508410, which was finalized as 10-96, at 1136 hours. It should be noted that P.O. Stephen Fox and P.O. Keith Brock were partners and assigned to Sector 45ABCD.

Review of memobooks:

A review of PO Stephen Fox's activity log for June 5, 2015 revealed he responded to [REDACTED] at 1105 hours, and issued a blocked driveway summons at 1127 hours.

PO Keith Brock's activity log revealed on June 5, 2015 he responded to [REDACTED] at 1105 hours, for an unattended vehicle over 5 days which was summoned by PO Fox and towed by [REDACTED] at 1125 hours (formerly known as [REDACTED] and currently [REDACTED])

Phone records:

A Fonefinder search was conducted on PO Fox, which revealed telephone # [REDACTED] and the provider is Cablevision LightPath Inc. and cell phone number [REDACTED] provider is Verizon Wireless.

A review of PO Fox's cell phone records revealed that there was one (1) outgoing phone call on each of the following dates to [REDACTED]'s cell phone number ([REDACTED]) totaling three (3) calls: June 5, 2015 at 1116 hours, June 10, 2015 at 1406 hours, and September 1, 2015 at 1327 hours.

A Fonefinder search was also conducted on [REDACTED] (formerly known as [REDACTED] and currently [REDACTED]) which revealed the company provider is Cablevision LightPath Inc. telephone # [REDACTED].

A review of [REDACTED] business phone ([REDACTED]) records revealed no records found of incoming or outgoing calls between PO Fox and him.

A review of PO Keith Brock's cell phone records revealed no records found of incoming or outgoing calls to [REDACTED] or his company.

Das lite query:

A Das lite query was conducted on phone number [REDACTED] to ascertain the subscriber holder. I revealed that the subscriber is NYPD Information Technology & Teleco which is located at 11 Metro Tech Center in Brooklyn, DARP operator.

Review of 311 jobs:

A review of the 45th Precinct 311 jobs from April 2015 to July 2015 to ascertain if he received numerous blocked vehicle jobs, revealed that the 311 jobs are evenly spread out amongst all three tours and precinct sectors. It should be noted that PO Fox is usually assigned to Sector A, which did not show a tremendous amount of calls in his sector.

A review was conducted on the 311 calls for June 5, June 10 and September 1, 2015 (which are the dates, PO Fox called [REDACTED] to ascertain if PO Fox was assigned to any jobs that resulted in a tow. I revealed that Sector Adam had one Derelict vehicle job on June 5, 2015 at 0657 hours at [REDACTED] Sector Adam issued a summons for blocked driveway to a Black Toyota Camry, license plate # [REDACTED] The T/S operator advised sector Adam that the vehicle moved from the location and now is blocking the driveway. A review of 6/10/15 and 9/1/15s' 311 calls revealed no derelict vehicle jobs.

PETS Search:

A review of the PETS revealed that PO Fox did not prepare any invoices for 6/5/15, 6/10/15 and 9/1/15.

Review of 45 Pct Ro-Tow Log:

A review of the 45 Precinct Rotation Towing Log revealed [REDACTED] (formerly known as [REDACTED] and currently [REDACTED] is not one of the companies listed on the log.

Roll Calls:

A review of the 45 Precinct roll call for the days that the S/O contacted [REDACTED] to identify the S/O's partner and assignment. The results are as follows:

On June 5, 2015 the S/O was partnered with PO Keith Brock.

On June 10, 2015 the S/O was partnered with PO Brian Vignali.

On September 1, 2015, the S/O was partnered with PO Brian Hirschman.

Public Records:

A review of PO Fox's public records revealed that he does not have any affiliation with [REDACTED]

A review of [REDACTED] formerly known as [REDACTED] and currently [REDACTED] public records revealed that they are located at [REDACTED] and they have no affiliation with PO Stephen Fox.

Command Center Audio:

A review of the command center audio revealed no additional information with any investigative value.

Telephone Dispatch Log:

A review of the telephone dispatch log for the dates of phone calls (6/5/15, 6/10/15 and 9/1/15) from PO Fox to [REDACTED] was reviewed. On 6-5-15 and 6-10-15 revealed no information.

A review was conducted of the telephone dispatch log for 9-1-15 revealed that PO Fox and PO Hirschman were assigned (2) two derelict vehicle jobs. The S/O's phone records revealed that, PO Fox did call [REDACTED] at approximately 1327 hours. It should be noted, at 1242 hours PO Fox was assigned two derelict vehicles jobs and marked the disposition as 90Y, at which time it was determined no vehicles were towed.

Review of PAR's:

A review of the 45th Precinct Police Accident Reports for the date the c/v's vehicle was towed (6-5-15) revealed PO Fox and PO Brock(partner) did not prepare any PAR's for the day of incident.

Accurant Search:

I conducted an accurant search on PO Brock to ascertain his phone number, which revealed PO Brock's phone number [REDACTED]

Review of A Summons:

I reviewed blocked driveway summonses that were issued by PO Fox to ascertain if any of their vehicles were towed by [REDACTED] (formerly known as [REDACTED] and [REDACTED] revealed the following:

- ☐ summons issued on 3/28/15 in front of [REDACTED]
- ☐ summons issued on 2/5/15 in front of [REDACTED]
- ☐ summons issued on 2/6/15 in front of [REDACTED]
- ☐ summons issued on 2/5/15 in front of [REDACTED]

Interviewed Respondents:

The I/O interviewed [REDACTED] in regards to her summons which she informed me that she was in Florida on the date she was issued the summons. She further stated that she does not recall receiving a summons for her vehicle.

The I/O attempted to interview [REDACTED] in regards to her summons, which resulted in no answer. However I conferred with [REDACTED] the owner of [REDACTED] where the respondent received her summons. [REDACTED] informed me that he has a big problem with vehicles parked in his driveway, which he would call the 45th Precinct, and the officers would issue the vehicle a summons. He then informed me that he is responsible for calling the tow company. He stated that he would call [REDACTED] is located at [REDACTED]

The I/O attempted to interview [REDACTED] and [REDACTED] several times which resulted in negative results.

Review of S/O's Summonses:

I reviewed PO Fox's Open Summons Report through Omniform to ascertain the status of his "A" summonses. The report revealed that (16) sixteen "A" summonses were still in PO Fox's possession. PO Fox was then ordered by Group 22 investigators to provide the (16) outstanding summonses at his PG hearing. During his PG hearing PO Fox provided 9 out of 16 summonses. The nine summonses were unused and not written to any motorist. PO Fox was unable to account for the remaining seven (7) summonses which resulted in PO Fox preparing a complainant report # [REDACTED]

Review of 61:

A review of complaint report # [REDACTED] to ascertain if the S/O made a complaint report in regards to his missing summonses. During the S/O's PG hearing he stated that he was missing seven (7) summonses which he failed to report. He was ordered to contact his ICO and prepare a complaint report for his missing summonses. The following narrative stated that at TPO summons #s [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] list of A summonses also 2 B summonses, [REDACTED] and [REDACTED] were lost and unaccounted for. Summonses were left on locker.

I reviewed complaint report# [REDACTED] leaving the scene of an accident which was prepared by PO Hirschman and PO Fox on 9-1-2015. I attempted to contact the motorist [REDACTED] to ascertain if his vehicle was towed, but I was unable to interview him.

However, I was able to speak with [REDACTED] Insurance agent for [REDACTED] which he stated that [REDACTED]'s vehicle was not towed but had a total of \$1300 worth of damage.

Computer and Related Background Checks:

IAPRO/ICIS/CCRB/CPI:

A background check in IAPRO, ICIS, CCRB, and CPI was conducted on PO Stephen Fox which revealed that he was appointed on July 7, 1999 and assigned to 45 Precinct. He has no similar allegations. On 10/31/2012, He was issued a ☐B☐ Command Discipline for incomplete activity log entries.

A background check in IAPRO, ICIS, CCRB, and CPI was conducted on PO Keith Brock which revealed that he was appointed on December 1, 2000 and assigned to SRG 1. PO Brock was reassigned to the 45 Precinct on May 26, 2015 and retired on September 30, 2017. He has no similar allegations and is not on force monitoring. PO Brock has no prior logs in CPI, ICIS, IAPRO or CCRB.

A background check in IAPRO, ICIS, CCRB, and CPI was conducted on PO Hirschman which revealed that he was appointed on July 22, 2002 and was assigned to 45 Precinct on January 22, 2003. He has no similar allegations, however on March 7, 2014 he was suspended by the Department in regards to case # 08-1051 as the result of a negotiated penalty. He also was served Charges and Specs on September 12, 2011 for: Providing false/misleading testimony at a department of motor vehicles hearing, was aware of an allegation of corruption or misconduct, failed to make required notifications and on multiple occasions he assisted and/or requested the assistance of other members of the service to prevent the processing and adjudication of multiple summonses. The negotiated penalty was forfeiture of ten (10) suspension days, plus thirty (30) vacation days. PO Hirschman has 19 logs in IAPRO 6 cases in CCRB. PO Fox and PO Hirschman are steady partners.

A background check was conducted in DAS life, IAPRO, CCRB and ICIS on [REDACTED] who is known to the Department under NYSID # [REDACTED] has [REDACTED]

[REDACTED] He has one complainant in ICIS for Disputed search of a vehicle and two complaints in CCRB for FADO. An IAPRO check was conducted which revealed no information.

Conferrals Conducted:

A conferral with Det. Anconiuk, Intelligence Bureau, in regards to [REDACTED] possibly suspected to be on a terrorist watch list, yielded negative results.

On February 23, 2016, I conferred with Sgt. Fernando Loza, BXIU in regards obtaining the case folder of the initial call out. Sgt. Loza informed the investigator that he conducted an interview on October 1, 2015 with the complainant, [REDACTED] which resulted in no additional information in regards to who towed the vehicle. Sgt. Loza also informed the I/O that on October 15, 2015, he interviewed [REDACTED] [REDACTED] formerly known as [REDACTED] and currently [REDACTED] who informed him that he spoke with PO Fox in regards to towing the complainant's vehicle. [REDACTED] also informed Sgt. Loza that when the vehicle was towed on June 5, 2015, it had a summons on it but does not have any documentation that his company towed the vehicle.

A conferral with PO Washington, Warrant Verification Desk, in regards to an active warrant for [REDACTED] tow truck operator for [REDACTED] PO Washington informed the I/O that [REDACTED] has an active SAP warrant in the Bronx County for office charged: [REDACTED].

A conferral with Det. Falango, Group 52 to ascertain if PO Fox has ever had an IT test conducted on him. Det. Falango informed me that on January 20, 2008 they conducted a Property IT test on PO Fox and PO Hirschman which deemed a pass. She further informed me that PO Keith Brock has never been tested.

IT Test:

A targeted integrity test by Group 52 was requested.

A conferral was conducted with Sergeant Nellen, Group 52 in regards to the targeted integrity test for PO Fox. She informed me the U/C approached the subject officer while he was sitting in his rmp and stated that his car was disabled and needed a tow. PO Fox informed the UC that it was his responsibility to call a tow for his car. The UC asked PO Fox if he could come and check his vehicle which Officer Fox proceeded to do. The UC asked PO Fox if can he call for a tow company since he is not familiar with the area. PO Fox told the UC to Google a tow company. Group 52 closed the IT test as a pass.

A conferral with Detective Medina, IAB Intel in regards to RFI #2016-45. Det. Medina informed me that PO Fox is an old timer who works on the day tours. His permanent partner is PO Hirschman. PO Fox is a decent guy and usually keeps to himself. He is "NOT THE SHARPEST KNIFE IN THE DRAW".

A conferral with Detective Mendez, IAB Intel in regards to RFI #16-0785. Det. Mendez informed me that the field agent stated, PO Brock works day tours and has 15 - 17 years on the job. He is an overall decent, productive and active person who knows his job well. She further stated that in regards to the allegation, it is very unlikely for him to steer to tow truck companies because he usually will notify the Desk Sergeant when he has a tow job.

A conferral with Sergeant Mclean, 45 Assistant ICO in regards to obtaining a copy of PO Fox "A" summons for the week of June 1 - June 10 of 2015. This was to obtain the copy of the summons issued on June 5, 2015, which resulted in the vehicle being towed. Sgt. Mclean informed me that the subject officer was unable to provide her with copies of his summonses. She also attempted to obtain copies from the Traffic Safety Officer which also yielded negative results.

A conferral was conducted with Omer Wyczk, Deputy Chief Public Integrity Bureau to obtain a waiver to conduct a PG Hearing interview of PO Fox, PO Brock and PO Hirschman. Omer Wyczk approved the waiver to conduct an interview of the subject officers.

A conferral with SPC McDonald, DARP to identify if [REDACTED] is registered in the DARP system. She informed the I/O that [REDACTED] is in the DARP system and is assigned to Region 8 which covers the 45 Precinct.

A conferral with Sgt. Lampasone, QAD in regards to ascertaining if they receive the ICO Aging Reports on a monthly basis. Sgt. Lampasone informed me that they don't receive the ICO Aging Reports.

A conferral with Advocate Beth Douglas in regards to requested Charges and Specifications against PO Stephen Fox was conducted for the following charges: Impeding an Investigation, Misleading Statements, Failure to notify the department in regards to missing department property, failure to safeguard department equipment-summons, missing department equipment-summons, and DRV/Other- failure to return completed summons book. Beth Douglas also informed me that based on the false statements/misleading statements that PO Fox made in the PG hearing, it was determined that it does not qualify as a termination case.

Other Information of Investigative Value:

Surveillance:

On-duty and on patrol surveillance operation was conducted on PO Fox, which he was observed responding to an order of protection job. The I/O did not observe any misconduct on the S/O.

During another on-duty and on patrol surveillance operation was conducted on PO Fox, which he was observed responding to several jobs assigned to him which the I/O did not observe any misconduct.

Better Business Bureau Query:

A Better Business Bureau Query was conducted on [REDACTED] (formerly known as [REDACTED] and currently [REDACTED] located at [REDACTED] within the confines of the 45 Precinct, in regards to ascertaining ownership of the establishment. The Query disclosed that [REDACTED]'s towing company is not Better Business Accredited.

Financial check:

A financial background was conducted on PO Fox which revealed no current liens, bankruptcies or liabilities of assets. It was determined that PO Fox had no affiliation to [REDACTED]'s towing company.

Omni Query:

A summons review was conducted in Omni Form to ascertain summonses PO Stephen Fox turned in to the Desk Officer, to determine if a summons was issued to the c/v's vehicle on 6-5-15. It revealed that no summonses were issued on 06/05/15 by PO Fox.

Social Media:

A social media query was conducted on [REDACTED] which revealed that he has an active Facebook account. I also revealed that [REDACTED] posted a business card of his shop.

Programmatic Review:

It was determined that this case does not qualify for a programmatic review.

Charges and Specifications:

Charges and Specifications were preferred against PO Stephen Fox for the following:

1. Said Police Officer Stephen Fox, assigned to the 45th Precinct, on or about February 2, 2017, did wrongfully and without just cause prevent or interfere with an official Department investigation, to wit, said Police Officer made false and misleading statements to Members of the Internal Affairs Bureau regarding said officer's communication with [REDACTED]

PG 203-10, Page 1, Para 2(d) PUBLIC CONTACT-PROHIBITED CONDUCT

2. Said Police Officer Stephen Fox, assigned to the 45th Precinct, on or about and January 1, 2010 and February 16, 2017, did fail and neglect the properly safeguard approximately seven (7) summonses resulting in its loss, and failed to make timely notifications, as required.

PG 219-20, Page 1, Para 1 LOSS OR THEFT OF DEPARTMENT

3. Said Police Officer Stephen Fox, while assigned to the 45th Precinct, on or about and January 1, 2010 and February 16, 2017, did fail and neglect to return completed summonses upon completion and enter information concerning said summonses on Certification of Parking Summonses Served form, as required.

PG 209-07 Page 2, Para 12 PARKING SUMMONSES-GENERAL PROCEDURE

Patrol Guide 206-13 Hearings:

On January 23, 2017, Police Officer Keith Brock was interviewed and stated in sum and substance that he has been employed by the New York City Police Department for approximately 16 years and is assigned to day tour patrol. He further stated that on June 5, 2015 he was assigned to sector Adam with PO Fox. PO Brock stated that he received a precinct assignment which entailed a vehicle left unattended for over 5 days. At 1125 hours, PO Brock stated that he documented in his activity log 96 x 1 by PO Fox. PO Brock does not recall the incident since it has been over a year. He further stated for an unattended vehicle, that you would call Ro-tow and for a vehicle blocking the drive way you will issue a summons on the car and the complainant will call a tow company. He further stated that he transferred to the 45 Precinct a week prior from Manhattan Task Force. I provided a photo of [REDACTED] to ascertain if he recognize him, which PO Brock stated that he never saw this individual before.

On February 7, 2017, Police Officer Stephen Fox was interviewed and stated in sum and substance that he has been employed by the New York City Police Department for approximately 17 years and currently assigned to Sector Adam day tour. PO Fox stated that he was working on June 5, 2015 and assigned to sector Adam with PO Brock. PO Fox stated that at 1105 hours, he responded to a 311 call from the T/S in regards to a vehicle blocking a driveway. He further stated that he observed a black vehicle blocking the driveway and issued the vehicle an "A" summons. He first stated to the investigators, after issuing the vehicle an "A" summons they left the location. He further stated that there was no one on the scene besides them. I asked PO Fox if he knew the procedure for a blocked driveway, which he stated that he did. PO Fox further stated that he lost the summons for the day of incident (6/5/15) that he was instructed to provide us at the interview. I provided a photo of [REDACTED] to PO Fox to ascertain if he recognized the individual or knew his name. PO Fox informed me that he never saw [REDACTED] before and did not know his name.

I informed PO Fox that [REDACTED] stated that he spoke to PO Fox in regards to towing [REDACTED]'s vehicle at [REDACTED]. At which point in time, PO Fox acknowledged that he did in fact call [REDACTED] formerly known as [REDACTED] and currently [REDACTED] to tow the vehicle. PO Fox further stated that [REDACTED] was not the individual who he spoke with at the scene. I asked PO Fox did you stay at the scene until the vehicle was towed, which he became confused and was not sure if he had left the location or stayed. I asked PO Fox, how many times have you called [REDACTED] and he informed me that he only called once. I asked PO Fox if he tried to ascertain the owner of the vehicle before summons it, which he replied "no". He further stated that he did not run the plate of the vehicle he issued a summons to. PO Fox stated he Google searched his phone to obtain [REDACTED] number. I asked PO Fox how many times have you called [REDACTED] which he replied "I haven't called the number since the day of occurrence." He stated it was his first time calling a tow company to tow a vehicle for a blocked driveway. I asked when you called [REDACTED] did you know who you spoke with?, which he stated "he didn't know the names of the individuals that work there." I asked PO Fox why didn't you Ro-tow the vehicle, which he informed me that the precinct was getting a lot of calls about the vehicle so he decided to call a tow company. He further stated that he never ran [REDACTED] in the Department database. PO Fox stated that this was the first time he called a tow company on his own to have a vehicle towed from the location. He further stated he did not inform a supervisor or T/S about the vehicle being towed. PO Fox stated that he informed the T/S a disposition of 10-96 but not for a 99T6 (other tow). I informed PO Fox that [REDACTED] has a criminal record and he should not be communicating with him or his company. I informed him that the Department has authorized towing companies that he should be utilizing.

On February 16, 2017 a follow-up PG hearing was conducted where he reiterated his previous statements. PO Fox stated on June 5, 2015, when he called [REDACTED] he told the individual on the phone that he is PO Fox and he needs a car towed. I instructed PO Fox to enter [REDACTED]'s cell phone numbers ([REDACTED] and [REDACTED]) on his personal phone to ascertain if he has [REDACTED] as a contact, which resulted in negative results.

PO Fox stated that he was working on June 10, 2015 with PO Brian Vignali assigned to sector Adam. I asked if he responded to any 311 jobs involving derelict/abandoned or blocked driveway jobs which he denied. PO Fox stated that it is possible that he could've had a 311 job and failed to document it in his memo book. He further stated he probably did not document the jobs in his book because it was busy on those days. I asked PO Fox "Why he contacted [REDACTED] on June 10, 2015 at 1406 hours?" PO Fox stated that he was trying to obtain information on the tow company he called on 6-5-15, because he was trying to locate the complainant's vehicle. PO Fox stated that was the only other time (6-5-15 and 6-10-15) he called [REDACTED] PO Fox was unsure how he obtained [REDACTED]'s cell number instead of his business number. PO Fox took upon himself to google [REDACTED] to ascertain the number he stated he obtained which revealed [REDACTED] (andline).

It should be noted that PO Vignali was not interviewed due to the fact that PO Fox stated during his PG hearing that he called [REDACTED] on June 10, 2015 to locate the complainant's vehicle. A review of department records revealed no vehicles were towed on the aforementioned date.

I asked PO Fox on September 1, 2015 at 1242 hours, was he dispatched to a derelict vehicle at [REDACTED] for a black Cadillac with Pennsylvania license plates, which he replied that he does not recall. I asked PO Fox, on September 1, 2015 at 1327 hours, why did he call [REDACTED] on his cell phone, which he denied and informed us that it was not to tow any vehicles. PO Fox stated he does not have a personal relationship with [REDACTED] and he only called him twice. (Once on 6/5/15 and the second time on 6/10/15 to obtain information on the vehicle). PO Fox stated that if we review his phone records for 2016 that we will not find any communication between [REDACTED] and him. PO Fox stated that he had a lot of Ro-tows in the past because he used to be the 311 officer. PO Fox stated it was not his intentions to call [REDACTED] because he wanted to do a short cut to get rid of the vehicle. PO Fox stated he is not getting compensated from [REDACTED]

PO Fox stated that he keeps his copies of his summonses in his locker and after 5 years which he usually will throw them out. He further stated he does not fill out his certification card for his summons. PO Fox stated that he sometimes puts a summons number in his memobook, and he does not document "C" summonses in his memobook. PO Fox was instructed to put all summonses in his memobook and document all entries in his activity log. PO Fox was also instructed on the procedure for the driveway tow program.

On March 9, 2017, PO Brian Hirschman was formally interviewed by Group 22 investigators and stated in sum and substance, that he has been employed by the New York City Police Department for approximately 15 years. He further stated that he was working on September 1, 2015 assigned to sector Adam with his steady partner Police Officer Stephen Fox. I asked if he recalled responding to a derelict/abandoned vehicle located at [REDACTED] by the T/S operator. He further stated that he does not recall responding to the job. PO Hirschman stated that PO Fox and him normally respond to block driveway jobs and would summons the vehicle and have the complainant call for a tow company. He stated that he does not recall PO Fox calling a tow company to tow any blocked driveways. I presented a picture of [REDACTED] to PO Hirschman to ascertain if he had ever encountered him on a job, which he denied. PO Hirschman stated that he never heard of [REDACTED] and never called for any tow truck companies to tow a vehicle. He further stated that after he would issue a summons on the vehicle that is blocking a driveway, he would knock on the neighbor's doors to have them call a tow company. He also stated that complainants have asked him in the past, if he knows a tow truck company that they can call and he would tell them that they would have to look it up in the phone book.

Conclusion:

Based on the information I have obtained during this investigation, the allegation of Criminal Association-Other than Family against PO Fox will be closed as Unsubstantiated due to the fact that the investigator could not prove or disprove both parties

have a personal relationship. During, PO Fox's PG hearing he stated that he never called a tow truck company to remove the complainant's vehicle. After several questions were addressed about the incident, he then stated that he called [REDACTED] once, after questioned about his phone records. However the I/O obtained additional phone records that revealed, PO Fox did call [REDACTED] approximately three (3) times. Therefore the allegations of Impeding an Investigation and DRV Other Rules/Procedures Violation(S/O called a towing company to remove a vehicle on his personal cellphone) will be closed as Substantiated. PO Fox stated in his PG hearing that he was unable to locate the seven (7) summonses that were issued to him.

Therefore, the allegations of Missing Department Equipment-Summons-Issued and Fail to Safeguard Dept Equipment-Summons-Issued will be closed as Substantiated. It was determined that PO Fox failed to conduct a proper investigation on the complainant's vehicle, since he stated that he never query the license to ascertain if the vehicle was registered to an owner in the vicinity. The allegation of Investigative Incomplete/Improper - Other Investigation will be closed as Substantiated. The allegation of Memobook Incomplete/Improper will be closed as Minor Procedure Violation, due to PO Fox failed to document his partner's name in his activity log. PO Fox failed to return completed summonses upon completions and enter information concerning said summonses on Certification of Parking Summonses Served form. Therefore, the allegation of DRV - Other Dept Rules/Procedures Violations will be closed as Substantiated. The allegation of Charges and Specifications will be closed as Information and Intelligence.

Overall disposition is Partially Substantiated/Minor Procedural Violation.

Subject Officer Disposition(s):

Police Officer Stephen Fox, Tax# 923841, 45th Precinct

Allegation: Association, Criminal - Other than Family - Unsubstantiated

Allegation: Other Rules/Procedures Violation- Substantiated- LOI

(S/O called a towing company to remove a vehicle on his personal cellphone)

Allegation: False Statement -PG - Substantiated- C&S

Allegation: Missing Department Equipment-Summons-Issued- Information & Intelligence- C&S

Allegation: Investigate Incomplete/Improper-Other Investigation- Substantiated- LOI

Allegation: Memobook Incomplete/Improper- MPV- LOI

Allegation: Other Dept Rules/Procedures Violation- Substantiated- C&S

(Failed to return completed summonses upon completion of summonses)

Allegation: Charges and Specifications-IAB- Information and Intelligence

Allegation: Fail to Safeguard Dept Equipment-Summons-Issued - Substantiated- C&S

Allegation: Fail to Notify in a Timely Manner-Supervisor- Substantiated- C&S

(Failed to make timely notifications in regards to his lost summonses)

Witness(s)

Police Officer Keith Brock, Tax# 926602, 45th Precinct (Retired)

Police Officer Brian Hirschman, Tax# 931734, 45th Precinct

Subjects Involved

| Name | Status | Sex | Race | Dob |
|---|---------------------------|------|-------|------------|
| 923841 STEPHEN FOX POM (045-045 PRECINCT) | UNIFORM MEMBER OF SERVICE | MALE | WHITE | [REDACTED] |





Allegations

| 1 | Full Allegation | Classification | Allegation Index | Allegation Date | Finding | Finding Date |
|---|--|---------------------------|-----------------------------------|-----------------|--------------------------------|--------------|
| | Association, Criminal - Other than Family | Abuse of Dept Regulations | ASSP-Associates Criminals | 02/09/2016 | 12 - Unsubstantiated | 02/17/2017 |
| | Comments THE INVESTIGATOR CANNOT PROVE OR DISPROVE PO FOX HAD ANY KNOWLEDGE THAT [REDACTED] HAD A CRIMINAL RECORD. | | | | | |
| 2 | Full Allegation | Classification | Allegation Index | Allegation Date | Finding | Finding Date |
| | Other Dept Rules/Procedures Violation - | Abuse of Dept Regulations | VRP-Violation Rules/Procedures | 02/09/2016 | 07 - Substantiated | 02/17/2017 |
| | Comments PO FOX FAILED TO FOLLOW THE PROVISIONS OF PG 214-14 DRIVEWAY TOW PROGRAM, WHICH HE CALLED ON HIS PERSONAL CELL PHONE A TOWING COMPANY TO REMOVE A VEHICLE. LOI WAS ISSUED TO MOS. | | | | | |
| 3 | Full Allegation | Classification | Allegation Index | Allegation Date | Finding | Finding Date |
| | | Abuse of Dept Regulations | Lost PD Item | 03/12/2017 | 04 - Info. and Intelligence | 02/17/2017 |

| | | | | | | |
|---|---|--|--|--------------------------------------|---|-----------------------------------|
| | Missing Department Equipment - Summons - Issued | | | | | |
| | | Comments SPEC 2: SAID POLICE OFFICER STEPHEN FOX, ASSIGNED TO THE 45TH PRECINCT, ON OR ABOUT AND JANUARY 1, 2010 AND FEBRUARY 16, 2017, DID FAIL AND NEGLECT THE PROPERLY SAFEGUARD APPROXIMATELY SEVEN (7) SUMMONSES RESULTING IN ITS LOSS, AND FAILED TO MAKE TIMELY NOTIFICATIONS, AS REQUIRED. PG 219-20, PAGE 1, PARA 1 LOSS OR THEFT OF DEPARTMENT PROPERTY | | | | |
| 4 | Full Allegation Investigate Incomplete/Improper - Other Investigation | Classification Abuse of Dept Regulations | Allegation Index Fail to Take Action/Investigate/Complete Report | Allegation Date 03/12/2017 | Finding 07 - Substantiated | Finding Date 02/17/2017 |
| | | Comments PO FOX FAILED TO CONDUCT A PROPER INVESTIGATION ON A BLOCKED DRIVEWAY. LOI WAS ISSUED TO MOS. | | | | |
| 5 | Full Allegation Memobook Incomplete/Improper - | Classification Abuse of Dept Regulations | Allegation Index Administrative Integrity Issue | Allegation Date 03/12/2017 | Finding 24 - Minor Procedural Violation | Finding Date 02/17/2017 |
| | | Comments PO FOX FAILED TO DOCUMENT HIS PARTNER'S NAME IN HIS MEMOBOOK, WHICH HE STATED IN HIS PG HEARING. LOI WAS ISSUED TO MOS. | | | | |
| 6 | Full Allegation Other Dept Rules/Procedures Violation - | Classification Abuse of Dept Regulations | Allegation Index VRP-Violation Rules/Procedures | Allegation Date 03/12/2017 | Finding 07 - Substantiated | Finding Date 02/17/2017 |
| | | Comments SPEC 3: SAID POLICE OFFICER STEPHEN FOX, ASSIGNED TO THE 45TH PRECINCT, ON OR ABOUT AND JANUARY 1, 2010 AND FEBRUARY 16, 2017, DID FAIL AND NEGLECT TO RETURN COMPLETED SUMMONSES UPON COMPLETION AND ENTER INFORMATION CONCERNING SAID SUMMONSES ON CERTIFICATION OF PARKING SUMMONSES SERVED FORM, AS REQUIRED. PG 209-07 PAGE 2, PARA 12 PARKING SUMMONSES-GENERAL PROCEDURE | | | | |
| 7 | Full Allegation Charges & Specifications - IAB | Classification NOTIFICATION/Additional Information | Allegation Index CS-Charges and Specifications | Allegation Date 10/08/2017 | Finding 04 - Info. and Intelligence | Finding Date 10/08/2017 |
| | | Comments CHARGES AND SPECS WERE PREFERRED AGAINST PO FOX FOR MAKING FALSE AND MISLEADING STATEMENTS TO MEMBERS OF GROUP 22, FAILED AND NEGLECT THE PROPERLY SAFEGUARDING APPROXIMATELY SEVEN (7) SUMMONSES RESULTING IN ITS LOSS AND FAILED/NEGLECT TO RETURN COMPLETED SUMMONSES UPON COMPLETION AND ENTER INFORMATION CONCERNING SAID SUMMONSES ON CERTIFICATION OF PARKING SUMMONSES SERVED FORM. | | | | |
| 8 | Full Allegation Fail to Safeguard Dept Equipment - Summons - Issued | Classification Abuse of Dept Regulations | Allegation Index Fail to Safeguard | Allegation Date 02/16/2017 | Finding 07 - Substantiated | Finding Date 10/15/2017 |
| | | Comments SPEC 2: SAID POLICE OFFICER STEPHEN FOX, ASSIGNED TO THE 45TH PRECINCT, ON OR ABOUT AND JANUARY 1, 2010 AND FEBRUARY 16, 2017, DID FAIL AND NEGLECT THE PROPERLY SAFEGUARD APPROXIMATELY SEVEN (7) SUMMONSES RESULTING IN ITS LOSS, AND FAILED TO MAKE TIMELY NOTIFICATIONS, AS REQUIRED. PG 219-20, PAGE 1, PARA 1 LOSS OR THEFT OF DEPARTMENT PROPERTY | | | | |
| 9 | Full Allegation Fail to Notify in a Timely Manner - Supervisor | Classification Abuse of Dept Regulations | Allegation Index Fail to Make Notification | Allegation Date 10/29/2017 | Finding 07 - Substantiated | Finding Date 10/29/2017 |

| | | | | | | |
|----|---|---|---|--------------------------------------|---|-----------------------------------|
| | | Comments SPEC 2: SAID POLICE OFFICER STEPHEN FOX, ASSIGNED TO THE 45TH PRECINCT, ON OR ABOUT AND JANUARY 1, 2010 AND FEBRUARY 16, 2017, DID FAIL AND NEGLECT THE PROPERLY SAFEGUARD APPROXIMATELY SEVEN (7) SUMMONSES RESULTING IN ITS LOSS, AND FAILED TO MAKE TIMELY NOTIFICATIONS, AS REQUIRED. PG 219-20, PAGE 1, PARA 1 LOSS OR THEFT OF DEPARTMENT PROPERTY | | | | |
| 10 | Full Allegation Official Statement - False Statement - PG | Classification Perjury/False Statement | Allegation Index GO15-PG 206-13 | Allegation Date 11/08/2017 | Finding 07 - Substantiated | Finding Date 11/08/2017 |
| | | Comments SPEC 1: SAID POLICE OFFICER STEPHEN FOX, ASSIGNED TO THE 45 PRECINCT, ON OR ABOUT FEBRUARY 2, 2017, DID WRONGFULLY AND WITHOUT JUST CAUSE PREVENT OR INTERFERE WITH AN OFFICIAL DEPARTMENT INVESTIGATION, TO WIT, SAID POLICE OFFICER MADE FALSE AND MISLEADING STATEMENTS TO MEMBERS OF THE INTERNAL AFFAIRS BUREAU REGARDING SAID OFFICER'S COMMUNICATION WITH MR. [REDACTED] PG 203-10 PAGE 1 PARA 2(d) PUBLIC CONTACT-PROHIBITED CONDUCT | | | | |

ATTACHMENT

| | |
|---|---|
| 1 |  <u>'PREFERRED CHARGES AND SPECS'</u> |
| 2 |  <u>'LETTER OF INSTRUCTION'</u> |
| 3 |  <u>'LETTER TO CV'</u> |
| 4 |  <u>'NOTIFICATION OF DISPOSITION'</u> |

| | | | | | | |
|------------------------------|---|---------------------------------------|-------------------------------|--------------------------------|---|------------------------------------|
| Reporting Officer: | Rank SDS | Name FRANCIS KAREEM | | Tax Reg. No. 936612 | | Command G22- GROUP 22 |
| Reviewing Supervisor: | Manner of Closing CM - PARTIALLY SUBSTANTIATED / MINOR PROCEDURAL VIOLATION | Date Reviewed 02/06/2018 | Date of Next Review | Name COOPER ALAN | | Supv. Tax No. 885434 |
| Endorser: | Rank CPT | Name GIORDANO CHRISTOPHE | Tax Reg. No. 915801 | Command G22-GROUP 22 | DateTime Reviewed 11/02/2017 13:48 | Status Approved |
| | Comments APPROVED. FOR YOUR REVIEW. | | | | | |
| Endorser: | Rank DI | Name VIERLING LOUIS | Tax Reg. No. 919823 | Command Z01-ZONE 1 | DateTime Reviewed 11/05/2017 11:53 | Status Approved |
| | Comments CASE REVIEWED ALONG WITH THE CASE MANAGEMENT PLAN. ALL ALLEGATIONS HAVE BEEN ADDRESSED AND DISPOSED OF ACCORDINGLY. CONCUR WITH INVESTIGATIVE FINDINGS. | | | | | |

| | | | | | | |
|------------------|--|------------------------------------|-------------------------------|---|---|---------------------------|
| Endorser: | Rank INS | Name SHEA THOMAS | Tax Reg. No. 899848 | Command Z01-ZONE 1 | DateTime Reviewed 11/07/2017 16:49 | Status Rejected |
| | Comments [REDACTED] | | | | | |
| Endorser: | Rank CPT | Name GIORDANO CHRISTOPHE | Tax Reg. No. 915801 | Command G22-GROUP 22 | DateTime Reviewed 11/15/2017 10:57 | Status Approved |
| | Comments APPROVED. CASE UPDATED. SUBJECT UPDATE WAS COMPLETED WITH THE APPROPRIATE ALLEGATION DISPOSITIONS [REDACTED] | | | | | |
| Endorser: | Rank INS | Name SHEA THOMAS | Tax Reg. No. 899848 | Command Z01-ZONE 1 | DateTime Reviewed 11/21/2017 10:45 | Status Approved |
| | Comments 1-APPROVE CLOSING. C1 STEERING. FORWARDED FOR YOUR REVIEW. [REDACTED] | | | | | |
| Endorser: | Rank DC | Name COOPER ALAN | Tax Reg. No. 885434 | Command CRI-CRIMINAL INVESTIGATIONS | DateTime Reviewed 01/15/2018 08:40 | Status Rejected |
| | Comments [REDACTED] | | | | | |
| Endorser: | Rank CPT | Name GIORDANO CHRISTOPHE | Tax Reg. No. 915801 | Command G22-GROUP 22 | DateTime Reviewed 01/25/2018 12:49 | Status Approved |
| | Comments APPROVED. ADDITIONAL STEPS COMPLETED. | | | | | |
| Endorser: | Rank INS | Name SHEA THOMAS | Tax Reg. No. 899848 | Command Z01-ZONE 1 | DateTime Reviewed 01/29/2018 14:10 | Status Approved |
| | Comments 1- FORWARDED BACK FOR YOUR REVIEW. ADJUSTMENTS MADE TO CLOSING. I/O AND TEAM LEADER INSTRUCTED. | | | | | |
| Endorser: | Rank DC | Name COOPER ALAN | Tax Reg. No. 885434 | Command CRI-CRIMINAL INVESTIGATIONS | DateTime Reviewed 02/06/2018 16:43 | Status Approved |
| | Comments CONCUR, CASE CLOSED. | | | | | |